

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

SECOND AMENDMENT ARMS (a d/b/a of R. Joseph Franzese), R. JOSEPH FRANZESE, individually and d/b/a SECOND AMENDMENT ARMS, and TONY KOLE,

Plaintiffs,

V.

CITY OF CHICAGO, a municipal corporation,)
 RAHM EMANUEL, in his official capacity as)
 Mayor of the City of Chicago, GARRY)
 McCARTHY, Superintendent of Police of the City)
 of Chicago, and SUSANA MENDOZA, City Clerk)
 of the City of Chicago,)

Defendants.

Case No: 1:10-CV-4257

Hon. Robert M. Dow, Jr.
U.S. District Court Judge

Hon. Sheila M. Finnegan
U.S. Magistrate Judge

MOTION FOR EXTENSION OF DISCOVERY SCHEDULE

NOW COME the Plaintiffs, Second Amendment Arms (a d/b/a of R. Joseph Franzese), R. Joseph Franzese, individually and d/b/a Second Amendment Arms, and Tony Kole, by and through undersigned counsel, and move this Honorable Court to grant Plaintiffs an extension of time to the discovery schedule, to complete oral fact discovery and disclose Plaintiffs' expert disclosures and report. In support thereof, Plaintiffs state as follows:

1. This action alleges violations of the Plaintiffs' constitutional rights owing to certain of Defendants' past and present regulations regarding the sale of firearms and laser sights in Chicago.

2. The parties were to complete oral fact discovery regarding the damages in Count I, and Count III, of Plaintiffs' pending Complaint, by April 2, 2018.

3. Though the Plaintiffs have disclosed their witnesses, and the Plaintiff Franzese has been deposed, the parties are scheduling deposition dates for Plaintiff Kole and two non-party witnesses.

4. Further, the Plaintiffs wish to take the deposition of any F.R.Civ.P. 30(b)(6) witness of Defendant following the Plaintiffs' witnesses' depositions.

5. Due to Plaintiffs' counsel's caseload, most recently an Appellate Reply Brief filed in the Seventh Circuit in *Culp v. Madigan*, 17-2998, Plaintiffs were unable to complete the various depositions, despite efforts to do so.

6. Finally, Plaintiffs' expert witness disclosures are due to be made by April 30, 2018.

7. Though Plaintiff has retained an expert witness from out-of-state, said expert has advised his office requires additional time to obtain the various necessary industry reports and complete their expert report.

8. Therefore, Plaintiffs are requesting an additional 60 days, or by June 29, 2018, to complete the necessary depositions and disclose the Plaintiffs' expert disclosures and report.

9. This Motion is not filed for dilatory purposes or for delay, but only so that Plaintiffs may fully present their arguments before the Court.

10. The electronic signature of counsel below shall serve as an F.R.Civ.P.
11 certification of the facts contained herein.

WHEREFORE, the Plaintiffs, Second Amendment Arms (a d/b/a of R. Joseph Franzese), R. Joseph Franzese, individually and d/b/a Second Amendment Arms, and Tony Kole, by and through undersigned counsel, request this Honorable Court grant them an extension of time until June 29, 2018 to complete oral fact discovery and disclose their expert disclosures report, as well as any and all further relief as this Court deems appropriate, including adjusting the remainder of the expert discovery schedule accordingly.

Respectfully submitted,

/s/ David G. Sigale

Attorney for Plaintiffs

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CERTIFICATE OF ATTORNEY AND NOTICE OF ELECTRONIC FILING

The undersigned certifies that:

1. On April 30, 2018, the foregoing document was electronically filed with the District Court Clerk *via* CM/ECF filing system;
2. Pursuant to F.R.Civ.P. 5, the undersigned certifies that, to his best information and belief, there are no non-CM/ECF participants in this matter.

/s/ David G. Sigale
Attorney for Plaintiffs

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